

**Chowan County Board of Commissioners**  
**Regular Meeting**  
**Monday September 10, 2007**  
**9:00am**  
**1767 Chowan County Courthouse**  
**117 East King Street**

**MINUTES**

The Chowan County Board of Commissioners held its regular meeting on Monday, September 10, 2007, at 9:00 am in the upstairs meeting room of the 1767 Chowan County Courthouse, 117 East King Street.

Present: Jimmy Alligood, Ralph Cole, Bill Gardner, Kenny Goodwin, Jerry Downum, Louis Belfield and Harry Lee Winslow. Also present were County Manager, Cliff Copeland; County Attorney, Peter Rascoe and County Clerk, Susanne Stallings.

Chairman Cole called the meeting to order and Commissioner Goodwin offered the invocation.

**Consent Agenda**

Commissioner Alligood moved that the Consent Agenda be approved including the minutes from the August 6, 2007 Regular Meeting and the following budget amendments:

Budget Amendments

4710 Solid Waste	increase	\$14,501	Scrap Tire Grant
6132 Rec. Projects	increase	\$1,572	Grant Carryover/John's Island Platforms
6132 Rec. Projects	increase	\$18,300	Grant Carryover/ Cape Colony Neighborhood Access
4330 Emergency Management	increase	\$1,575	CERT Grant Carryover
3531 DSS	increase	\$37,500	New Workfirst Demo. Grant
3531 DSS	decrease	\$2,343	Reduction Smart Start Daycare Funding
3531 DSS	decrease	\$17,261	Reduction in CRISIS funding
8150 TDA	increase	\$17,837	TDA expenses
5913 School Capital Projects	increase	\$200,000	per School Board request

Tax Releases

J Campen	\$254.67	Vehicle given to daughter
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Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Chairman Cole then noted the item of business and noted that the floor was open to a public hearing.

### **Public Hearings**

**A. Case No. CC-RZ-07-03:** A rezoning application from Carlton Griffin to rezone the property located at 2113 George Willie Dr and 417 Sandy Ridge Rd from A-1 Agricultural, to R-25, Residential. (PIN 6899-00-63-6125, PIN 6899-00-72-0779)

**B. Case No. CC-RZ-07-07:** A rezoning application from Chowan County to rezone the White's Landing Subdivision area from A-1, Agricultural to R-25, Residential. (PIN 6889-00-62-9532, 6899-00-62-6766, 6899-00-62-8739, 6899-00-63-4143, 6899-00-72-0779, 6899-00-63-6125, 6899-00-72-1905, 6899-00-63-8154, 6899-00-63-6287, 6899-00-63-5338, 6899-00-63-4418, 6899-00-73-1229, 6899-00-63-6605, 6899-00-63-4772, 6899-00-63-3332, 6899-00-73-1416, 6899-00-63-9584, 6899-00-63-8624, 6899-00-63-6782, 6899-00-63-5815, 6899-00-73-3447, 6899-00-73-1568, 6899-00-63-9713, 6899-00-73-5825, 6899-00-73-4785, 6899-00-73-3657, 6899-00-73-4650, 6899-00-72-3755, 6899-00-72-3662, 6899-00-72-2362, 6899-00-72-1473, 6899-00-72-0391, 6899-00-72-3279, 6899-00-72-7356, 6899-00-72-6158, 6899-00-72-5071, 6899-00-62-5646, 6899-00-62-4571, 6899-00-62-2611, 6899-00-62-4327, 6899-00-62-6165, 6899-00-62-1357, 6899-00-62-3178, 6899-00-62-4160, 6899-00-62-5043, 6899-00-61-6955, 6899-00-61-5769)

Planner, Elizabeth Bryant said that the aforementioned applications would be presented together but required two separate votes. She said normally spot zoning is discouraged and this is the reasoning for the County being the co-applicant for this area of rezoning. She said that staff learned that the surrounding parcels were smaller than what is required in the ordinance for that area and that staff felt this was a more appropriate classification of zoning. She shared a map showing the properties that were requesting rezoning.

Planner, Wes Haskett then read a staff report into the record that stated that staff recommends approval of the rezoning application.

Ms. Bryant noted that all surrounding and adjoining property owners within 100 feet of both applications have been notified of the hearing.

Chairman Cole then asked for any public comments or questions.

Woody Copeland stated his concern for the rezoning and added that he was not an adjoining property owner, nor was he there because of this application. He encouraged the Board to consider freedom of use.

Carlton Griffin, the applicant for Case CC-RZ-07-03 asked that the Board look at the application from a different perspective. She said the property was being divided up for children in her family so that each could have equal ownership in the estate.

Richard Bunch, neighboring property owner, spoke in favor of the application.

There being no further comment, Chairman Cole closed the floor to public comment and asked if there was a motion on the applications.

Commissioner Belfield moved that the application from Carlton Griffin is consistent with the Chowan County Land Use Plan. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Downum moved that the application from Carlton Griffin for the rezoning be approved. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Belfield moved that the application from Chowan County is consistent with the Chowan County Land Use Plan. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Downum moved that the application from Chowan County for the rezoning be approved. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

### **Public Hearings (Continued)**

**C. Case No. CC-RZ-07-04:** A rezoning application from Carroll Smith to rezone property located at 125 Emperor Landing Rd from A-1 Agricultural, to R-25, Residential. (PIN 6884-00-89-9718)

**D. Case No. CC-RZ-07-08:** A rezoning application from Chowan County to rezone the Hickory Fork Subdivision area from A-1, Agricultural to R-25, Residential. (PIN 6885-00-80-7689, 6885-00-80-8557, 6885-00-90-0525, 6885-00-90-1404, 6885-00-90-1378, 6885-00-90-3236, 6885-00-90-4129, 6885-00-90-5132, 6885-00-90-6035, 6885-00-90-7043, 6884-00-90-8920, 6885-00-90-9815, 6885-00-90-9062, 6885-00-80-9192, 6885-00-90-0077, 6885-00-90-1072, 6885-08-99-2947, 6885-08-99-3921, 6884-08-99-4872, 6884-08-99-7598, 6885-08-99-6487, 6884-08-99-6329, 6885-08-99-5523, 6885-08-99-4538, 6884-08-99-3666, 6884-08-99-2404, 6884-08-99-2388, 6884-08-99-3362, 6884-08-99-4293, 6884-00-99-7260, 6884-00-99-8380, 6884-00-99-9495)

Ms. Bryant noted that the previously mentioned applications again were separate as were the previous applications. She shared a map of the properties that were requesting rezoning. She said this case is similar to the previous that staff did not want to spot zone one parcel so after looking into the surrounding parcels, staff decided that it was beneficial to included the surrounding parcels that were similar in size.

Mr. Haskett then read a staff report into the record that stated that staff recommends approval of the rezoning application.

Chairman Cole then asked for any questions or comments from the public.

Carroll Smith, the applicant for case CC-RZ-07-04 said that he was requesting this because of an unforeseen necessity to have a 60 foot right of way on a corner lot.

Ms. Bryant noted that all adjoining property owners were notified of the hearing. She said that all existing lots are non-conforming and are allowed currently. She added that the use of farming is still allowed on the existing lots even with a residential zoning.

Mr. Haskett added that some adjoining property owners called his office upon receiving their notice of the hearing but did not voice any concerns after he explained the requests from Mr. Smith and the County.

There being no further comment, Chairman Cole closed the floor to public comment and asked if there was a motion on the applications.

Commissioner Gardner moved that the application from Carroll Smith is consistent with the Chowan County Land Use Plan. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Downum moved that the application from Carroll Smith for the rezoning, be approved. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Belfield moved that the application from Chowan County is consistent with the Chowan County Land Use Plan. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Alligood moved that the application from Chowan County for the rezoning be approved. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

### **Public Hearings (Continued)**

**E. Case No. CC-RZ-07-06:** A rezoning application from Lynnet and Scott Melton to rezone the property located at 544 Ryland Rd from A-1, Agricultural to R-25, Residential (PIN 7902-00-28-6597).

**F. Case No. CC-RZ-07-10:** A rezoning application from Chowan County to rezone the property located at 521, 603, 532, 536, 538 and 551 Ryland Rd from A-1, Agricultural to R-25, Residential (PIN 7902-00-18-6558, 7902-00-39-2020, 7902-00-28-1403, 7902-00-28-3442, 7902-00-28-4572, 7902-00-28-1253 and 7902-00-38-0965).

Ms. Bryant said that again as in the previous cases, a property owner requested that one parcel be rezoned and staff felt that it was more appropriate to look at the size of the existing surrounding parcels and that staff made the determination that it was more appropriate to rezone parcels in the area. She noted that adjoining property owners were notified of the hearing. Ms. Bryant added that the Chowan County Planning Board failed to make a recommendation on the applications.

County Attorney, Peter Rascoe said that that Board did find the applications consistent with the Land Use Plan but on Case CC-RZ-07-10 no recommendation was made for approval of the rezoning.

Chairman Cole then opened the floor to public comment.

Lynette Melton, the applicant for Case CC-RZ0-07-10 said that the purpose of her request was that her and her Aunt both own residences that are currently on one lot. She said that in order for her Aunt to purchase the house and part of the lot, a subdivision is required. She said that there currently is not enough land for the Aunt to subdivide.

Woody Copeland, the son of the owner of the property at 536 and 538 Ryland Road spoke in opposition to the application. He said the property is owned by his mother and that he felt that a rezoning would be detrimental to his property and his freedom of use. He restated his desire to leave the current zoning on his parcels.

There being no further comment, Chairman Cole closed the floor to public comment and asked if there was a motion on the applications.

Commissioner Goodwin moved that the application from Lynnet and Scott Melton is consistent with the Chowan County Land Use Plan. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Belfield moved that the application from Lynnet and Scott Melton for the rezoning, be approved. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Gardner moved that the application from Chowan County is consistent with the Chowan County Land Use Plan. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Winslow moved that the application from Chowan County for the rezoning be denied.

Ayes- 2 (Winslow, Alligood)

No- 5 (Downum, Cole, Goodwin, Belfield, Gardner)

Chairman Cole then noted that the motion failed and asked for another motion.

Commissioner Downum moved that the application from Chowan County for the rezoning be approved, omitting the properties located at 536 and 538 Ryland Road. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

### **Resolution**

County Manager, Cliff Copeland presented a resolution of appreciation to the General Assembly for relieving Counties of Medicaid that was adopted on August 18, 2007 by the North Carolina Association of County Commissioners for the Board's consideration.

## **RESOLUTION OF APPRECIATION TO THE GENERAL ASSEMBLY FOR RELIEVING COUNTIES OF MEDICAID**

**WHEREAS**, relieving counties of the Medicaid burden was the Number One legislative goal for all counties;

**WHEREAS**, every member of the 2007 North Carolina General Assembly recognized and supported the need for Medicaid relief;

**WHEREAS**, every member of the House of Representatives supported House Bill 1424, which would have provided a permanent cap and additional targeted relief;

**WHEREAS**, every member of the Senate supported provisions of the budget to eliminate the county Medicaid share completely;

**WHEREAS**, Governor Mike Easley publicly expressed his support on numerous occasions;

**WHEREAS**, a negotiating team with representatives from the House, the Senate and the Governor's Office reached consensus on a solution to relieve counties of their Medicaid burden; and

**WHEREAS**, this solution is fair and equitable to all parties; and

**WHEREAS**, this solution protects municipal revenues, allows the state to phase in the assumption of the county Medicaid share over three years while gradually assuming sufficient county revenues to cover the increased costs, does not force counties to raise property or sales taxes to receive Medicaid relief and provides additional revenue authority to counties faced with rapidly increasing infrastructure needs;

**NOW, THEREFORE, BE IT RESOLVED** that the Chowan County Board of Commissioners commends and expresses our appreciation to the 2007 North Carolina General Assembly for proving themselves to be true "Friends of the Counties";

**FURTHER BE IT RESOLVED** that copies of this resolution be transmitted to Senator Ed Jones and Representative Tim Spear as an expression of gratitude for this historic and significant action.

Adopted this the 10<sup>th</sup> day of September, 2007.

Susanne Stallings,  
Clerk

Commissioner Alligood moved that the Board approve the resolution; Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

#### **Sale of County Real Property**

County Attorney Peter Rascoe presented a bid on the following: real property at 307, 309, 310, and 313 Cypress Drive. He said that these adjacent properties were acquired by Chowan County in a nuisance lien and tax foreclosure sale and consist of 50-ft lots assessed for tax purposes at \$2,400 each (\$9,600 total). He said the site was declared a public nuisance. Mr. Rascoe said that the high bidder in the publicly advertised sale is Francis and Mary Donato of Edenton at \$13,000 total.

Commissioner Alligood moved that the Board of Commissioners accept this bid on the condition that closing only occurs when the buyer has shown evidence of mobilizing clean-up of the site in accordance with the submitted nuisance abatement plan. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

#### **Board Appointment**

Mr. Copeland presented a request on behalf of the Albemarle Commission Ombudsman Program to reappointment of Daisy Bemby as it appointee to the Chowan County Joint Community Advisory Committee.

Commissioner Belfield moved that Ms. Bemby be reappointed to the Committee. The Chairman asked for all in favor, the motion carried unanimously (7-0).

### **Schedule DOT Secondary Roads Special Meeting**

Mr. Copeland said that due to a conflict of schedules, DOT has requested that the Board schedule a special meeting for October 9, 2007 at 9:00am for DOT's secondary roads presentation.

Commissioner Alligood moved that the Board schedule October 9, 2007 at 9:00am for the date of a special meeting. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

### **Rural Operating Assistance Program (ROAP) Transportation**

County Manager, Cliff Copeland presented a request to transfer of funding from Chowan County in the amount of \$19,832.22 of State Transportation funding to Pasquotank County for transportation services provided to Pasquotank County residents. He said this is an amount that Chowan under expended of its allocation. He added that ROAP consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), the Employment Transportation Program (EMP) and the Rural General Public (RGP) Transportation Program into a single application package.

Commissioner Belfield moved that the Board approve the transfer in the amount requested. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

### **NCACC Conference Recap**

Chairman Cole and Commissioners' Belfield and Winslow provided a recap on the August 16-18, 2007 NCACC conference that was held in Fayetteville. They noted that the conference next year will be held in Craven County.

### **Animal Shelter- Animal Welfare Inspection**

Animal Control Supervisor, Mary Bass provided information on the recent Animal Welfare Inspection conducted at the Tri-County Animal Shelter and shared that the Shelter passed with flying colors.

### **Public Safety Committee Report**

Commissioner Alligood shared that the Public Safety Committee met on Thursday. Among the items discussed, were updates on Sheriff Department activities, EMT recruitment and training, update on Emergency Management activities. He said that Mary Bass, Director of Animal Control and Peter Rascoe updated the committee on the County's revised protocol for dealing with vicious dogs.

Mr. Copeland added that an Advisory Committee has been established to meet and review Animal Control incidents and issues.

### **Medicaid Relief Update**

Mr. Copeland shared a spread sheet documenting the money that Chowan County will save by the State assuming Medicaid costs. He urged the Board to remember, that most of the cost savings will take place in the last year of the three (3) year cycle.

### **Manager's Report**

Mr. Copeland shared that the recycle program was off to a good start. He said the Hugh Williamson Memorial is close to receiving the needed money for construction. He said that EMS collected its highest revenues ever in August. He said that the Library and Law Enforcement

Center construction is on schedule. Mr. Copeland said that the County Office Building has received some inquiries on rehab but most developers are saying that the cost of rehab is much higher than possible. He said that the land is more valuable than the building. Mr. Copeland also noted that the Board received a copy of the Quarterly Fiscal Monitoring Reports for the fourth quarter of 2007.

**Public Comment**

Woody Copeland thanked the Board for their decision on the rezoning.

Deputy Alan Stulick shared information on the Watch D.O.G.S. (Dads of great students) program at DF Walker School, and invited the Commissioners to participate.

**Executive Session**

By motion of Commissioner Alligood, the regular meeting was recessed to conduct an Executive Session, to discuss a personnel issue.

Ayes 7

No 0

Mr. Rascoe explained that the purpose of the Executive session was to update the Board on plans to move the current EMS Director, Doug Belch into a new position as Safety Director. Mr. Copeland said that Mr. Belch was very interested in the position. There being no further information to provide, the Executive Session adjourned and the regular meeting was adjourned by motion of Commissioner Alligood.

Ayes 7

No 0

There being no further business before the Board, the meeting was adjourned.

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Ralph V Cole  
Chairman

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L. Susanne Stallings  
Clerk to the Board

(SEAL)